

James Cai (SBN: 200189)
jcai@sacattorneys.com
Raymond G. Hora (SBN: 335123)
rhora@sacattorneys.com
Jackson D. Morgus (SBN: 318453)
jmorgus@sacattorneys.com
SAC ATTORNEYS LLP
1754 Technology Drive, Suite 122
San Jose, CA 95110
Telephone: (408) 436-0789

Jingjing Ye (Admitted Pro Hac Vice)
YE & ASSOCIATES, PLLC
3400 N. Central Expy, #500
Plano, TX 75080

Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ARIEL ABITTAN

Plaintiff,

v.

LILY CHAO (A/K/A TIFFANY CHEN, A/K/A
YUTING CHEN), DAMIEN DING (A/K/A
DAMIEN LEUNG, A/K/A TAO DING),
TEMUJIN LABS INC. (A DELAWARE
CORPORATION), AND TEMUJIN LABS
INC. (A CAYMAN CORPORATION),

Defendants,

and

EIAN LABS INC.,

Nominal Defendant.

Case No. 5:20-cv-09340-NC

**DEFENDANTS' THIRD AMENDED
INITIAL DISCLOSURES**

Complaint Filed: December 24, 2020

Judge: Hon. Nathanael Cousins

Pursuant to Fed. R. Civ. P. 26(a) and pursuant to the hearing held on March 8, 2023 in this matter, Defendants by and through counsel, makes the following Initial Disclosures:

PRELIMINARY STATEMENT

These Initial Disclosures are based on information reasonably available to Defendants at this time and on Defendants' current understanding of the claims in this case. Defendants reserve the right to make supplemental and subsequent disclosures as information becomes available in the course of her investigation and discovery. By providing these disclosures, Defendants do not represent that they are identifying every document, tangible thing, or witness possibly relevant to this action. Defendants do not waive and expressly reserves any and all objections based upon relevance, materiality, competence, privilege, work product doctrine, immunity from disclosure, trade secret, undue burden, over-breadth and/or other grounds. Furthermore, these disclosures are not an admission by Defendants regarding any matter. All of the disclosures set forth below are made subject to and without limiting the above reservations.

INITIAL DISCLOSURES

(i) The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment:

Defendants identify the following individuals:

Name	Address and Telephone Number	Subjects of Information
Paul Sherer	Address: 360 Leland Ave, Palo Alto, CA 94306 Phone Number: 650 223 4651	Plaintiff Abittan's involvement in Eian Labs Inc; Paul Sherer's direct interactions with Abittan; Paul has knowledge regarding Abittan's non-involvement at Findora and Temujin, Paul has knowledge regarding how often he saw Abittan at Eian Labs; Paul has knowledge of Abittan working at Eian Labs; Paul has knowledge regarding Abittan's attempts

		to discourage Findora employees and contractors to work at Findora.
Ravi Chiruvolu	Address: 12011 Greenhills Ct, Los Altos Hills, CA 94022 Phone Number: unknown	Plaintiff Abittan's non-involvement in the Findora Project and Temujin; Ravi's direct interactions with Abittan; Ravi has knowledge regarding Abittan's involvement in Eian Labs; Ravi has knowledge regarding how often he saw Abittan at Eian Labs; Ravi has knowledge of Abittan working at Eian Labs;
Daniel Mitchell	Address: Flat 1, 30 Sheen Gate Gardens, SW14 7NY, London, UK Phone Number: unknown	Daniel has knowledge regarding Abittan's efforts to poach Temujin employees.
Nathan Yospe	Address: 2471 Elena Ct Antioch, CA 94531 Phone Number: unknown	Nathan has knowledge regarding Abittan's efforts to poach Temujin employees.
Eli Reinhardt	Address: 320 Bridgecreek Way Hayward, CA 94544 Phone Number: 510-935-9377	Eli has knowledge regarding Abittan's efforts to poach Temujin employees.
Frank Fu	Address: 3247 Emerson St, Palo Alto, 94306 Phone Number: unknown	Frank has knowledge regarding Abittan's involvement in claiming ownership at Temujin and conspiring to poach Temujin employees.

Jill Gunter	Address: 1355 Market St, San Francisco, CA 94103 Phone Number: unknown	Jill has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees; Abittan's interest in Espresso System
Alfred Lin	Address: 2800 Sand Hill Rd #101, Menlo Park, CA 94025 Phone Number: unknown	Alfred has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees; Abittan's interest in Espresso System
Benjamin Fisch	Address: 3863 Alameda De Las Pulgas Menlo Park, CA 94025 Phone Number: unknown	Benjamin has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees; Abittan's interest in Espresso System
Charles Lu	Address: 12210 SE 36th St., Bellevue, WA 98006 Phone Number: unknown	Charles has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees; Abittan's interest in Espresso System
Benedict Bünz	Address: 1355 Market St, San Francisco, CA 94103 Phone Number: unknown	Benedict has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees; Abittan's interest in Espresso System
Nathan McCarty	Address: 660 Hugging Bear Dr Lexington, KY 40509	Charles has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming

	Phone Number: unknown	ownership at Temujin; Abittan poaching employees;
Fernando Krell	Address: Jose Zapiola #7693-C, Santiago, 7860417, Chile Phone Number: unknown	Fernando Krell has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;
Philippe Camacho Cortina	Address: Sebastián Elcano 1100 departamento 152, Las Condes, Santiago, Chile Phone Number: unknown	Philippe has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;
Binyi Chen	Address: 959 Stewart Dr, Apt 1334, Sunnyvale, CA 94085 Phone Number: unknown	Binyi has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;
Luoyuan "Alex" Xiong	Address: Commonwealth Dr 50, Unit 07-510, Singapore Phone Number: unknown	Alex has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;
Keyao Shen	Address: 1426 Vallejo Dr, San Jose CA 95130 Phone Number: unknown	Keyao has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;
Noah Golub	Address: 272B Lexington St, San Francisco, CA 94110	Noah has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming

	Phone Number: unknown	ownership at Temujin; Abittan poaching employees;
Brian Rogoff	Address: 519 Brannan Place, Santa Clara, CA 95050 Phone Number: unknown	Brian has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;
Joe Doyle	Address: 228 Morewood Ave, Pittsburgh, PA 15213 Phone Number: unknown	Joe has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;
Mat Richmond	Address: 308 Cirrus Dr NW, Albuquerque, NM 87120 Phone Number: unknown	Mat has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;
Helena Flack	Address: 22 West Hill, Wembley, Middlesex, UK Phone Number: unknown	Helena has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;
Cameron Dennis	Address: 1616 Franceschi Rd, Santa Barbara, CA 93103 Phone Number: unknown	Cameron has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;

In addition to the above-listed individuals, Defendants reserve the right to rely upon the testimony of additional witnesses as may be identified in the course of further

discovery and investigation, including but not limited to persons disclosed by Plaintiff.

- (ii) **a copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment:**

<u>Description by Category</u>	<u>Description by Location</u>
Documents relating to Plaintiff Abittan's interactions with Findora and Temujin employees, consultants, advisors and investors related to the issues raised in the pleadings.	444 High Street, Suite 300, Palo Alto, CA 94301
Relevant text messages and emails between Lily Chao, Damien Ding, and Abittan related to the issues raised in the pleadings.	444 High Street, Suite 300, Palo Alto, CA 94301
Documents relating to the Findora project and Plaintiff's non-involvement with the Findora	444 High Street, Suite 300, Palo Alto, CA 94301
Documents relating to the Temujin business and Plaintiff's non-involvement with Temujin.	444 High Street, Suite 300, Palo Alto, CA 94301
Documents relating to ownership of assets and intellectual property relating to the Temujin business, not mentioning Ariel Abittan	444 High Street, Suite 300, Palo Alto, CA 94301

Documents relating to ownership of assets and intellectual property relating to the Findora business, not mentioning Ariel Abittan	444 High Street, Suite 300, Palo Alto, CA 94301
Agreements signed by Plaintiff and Eian Labs	444 High Street, Suite 300, Palo Alto, CA 94301

Investigation is ongoing and Defendants reserve the right to supplement the list of categories discussed above.

- (iii) **a computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered:**

As to the claims asserted by Plaintiff Abittan, Defendants assert that they have no liability and that Abittan is not entitled to any damages or relief, and as a result there is no applicable computation of damages therefor. Defendants reserve the right to recover attorneys' fees and costs to the extent permitted by law. Defendants also reserve the right to assert any and all necessary and appropriate claims for relief in this action, and will supplement their disclosures to the extent necessary. Defendants anticipate that their response to any computation of alleged damages by Abittan, and supporting documents and other evidentiary materials, will be made available during the course of discovery, including expert discovery, in this action.

- (iv) **for inspection and copying under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment:**

Based on current information, Defendants are not aware of any such insurance agreement.

Dated: March 22, 2023

SAC ATTORNEYS LLP

By: /s/ James Cai

James Cai, Esq.

Jackson D. Morgus, Esq.

Raymond G. Hora, Esq.

Attorneys for Defendants